Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 22 May 2009

Message Text

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ORIGIN CAB-05

INFO OCT-01 EUR-12 ISO-00 CIAE-00 COME-00 DODE-00
DOTE-00 EB-07 INR-07 NSAE-00 EPG-02 FAA-00 INRE-00
SSO-00 H-02 L-03 NSC-05 SS-15 NSCE-00 /059 R

DRAFTED BY CAB:ERODRIGUEZ:SP
APPROVED BY EB/OA:RABROWN, ACTING
EB/OA/AVP:SCKEITER
EB/OA/AVP:AJWHITE
EB/AN:JMAGNOR
EUR/NE:NACHILLES (INFO)
----------142134Z 068210 /70
O 142057Z JUN 77
FM SECSTATE WASHDC
TO AMEMBASSY LONDON IMMEDIATE

UNCLAS STATE 137773

E.O. 11652: N/A

TAGS: EAIR, UK, US

SUBJECT: CIVAIR - ENFORCEMENT ACTION REGARDING BRITISH AIRWAYS' FREIGHT RATES

REF: STATE 74720

1. AS NOTED REFTEL, ON MARCH 25, 1977, THE CAB, THROUGH THE US ATTORNEY'S OFFICE FOR THE SOUTHERN DISTRICT OF NEW YORK, BROUGHT ACTION AGAINST BRITISH AIRWAYS FOR VIOLATIONS OF SECTIONS 402 AND 403 OF THE FEDERAL AVIATION ACT. THE BOARD ALLEGED THAT BRITISH AIRWAYS WAS CHARGING AND COLLECTING CARGO CONTRACT RATES AND SPECIFIC COMMODITY RATES WHICH THE UK GOVT HAD ORDERED IT TO CHARGE BUT WHICH WERE NOT ON FILE WITH THE BOARD. THE BOARD, BY ORDERS 76-12-162 AND 77-1-6, HAD PREVIOUSLY SUSPENDED RATES VERY
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SIMILAR TO THOSE MANDATED BY THE UK GOVT.

2. ON JUNE 10, 1977, JUDGE CHARLES HAIGHT GRANTED THE BOARD'S MOTION FOR SUMMARY JUDGMENT ON ITS REQUEST FOR A PERMANENT INJUNCTION. JUDGE HAIGHT'S DECISION REAFFIRMED THE BOARD'S JURISDICTION OVER INTERNATIONAL RATES WHETHER

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THESE RATES BE INBOUND OR OUTBOUND, DUE AND PAYABLE AT THE COUNTRY OF ORIGIN OR MANDATED BY THE FOREIGN AIR CARRIER'S GOVERNMENT.

3. NEXT PROCEDURAL STEP IS FOR US ATTORNEY TO SUBMIT "SETTLED ORDER" TO COURT, WHICH SHOULD BE DONE IN NEXT FEW DAYS WITH CONCURRENCE OF BRITISH AIRWAYS AND BOE. SUBSEQUENTLY BA MAY REQUEST STAY OF COURT ACTION OR MAY FILE APPEAL WITHIN 30 DAYS, OR BOTH. CHRISTOPHER

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Message Attributes

Automatic Decaptioning: X
Capture Date: 01-Jan-1994 12:00:00 am
Channel Indicators: n/a
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Concepts: CIVIL AVIATION, AIR CARGO, NEGOTIATIONS, AIR FARES
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Disposition Approved on Date:
Disposition Case Number: n/a
Disposition Comment:
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Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
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Drafter: ERODRIGUEZ:SP
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Expiration:
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Previous Handling Restrictions: n/a
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Review Event:
Review Exemptions: n/a
Review Media Identifier:
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
SAS ID: 2153867
Secure: OPEN
Status: NATIVE
Subject: CIVAIR - ENFORCEMENT ACTION REGARDING BRITISH AIRWAYS\' FREIGHT RATES
TAGS: EAIR, UK, US, BRITISH AIRWAYS
To: LONDON
Type: TE
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